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Appl. No. : 10/617,935 Confirmation No. 3966
Applicant : Drogin et al.
Filed : October 20, 2003
TC/A.U. : 3732
Examiner : David Comstock

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

AMENDMENT

Dear Examiner Comstock:

Thank you very much for speaking with me on August 26. I very much appreciate the time you spent discussing my proposed claim amendments as well your comments and insights into my application.

Based on our discussion, I was pleased to hear that the proposed amendments would overcome the rejection made under 35 USC 112, the rejections based on Daly et al, and the rejections based on Chen et al.

We spent considerable time discussing the rejections based on Esker et al, and you concluded that the previously proposed amendments would not be sufficient to overcome the rejections.

Since the interview, I have done research and spent time speaking with doctors regarding the differences between a tongue depressor and a popsicle stick, and the reasons why a

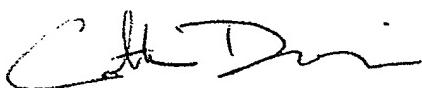
Appl. No. 10/617,935
Amdt. dated October 11, 2004
Reply to Office action of July 25, 2004

popsicle stick would not function as a tongue depressor on children. Based on this information, I have amended the claims, and have received a declaration from a doctor in support of the revised claims.

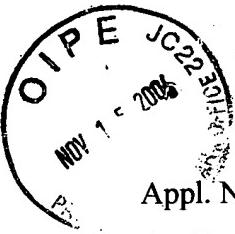
Following, please find the new proposed amendments, remarks and the declaration.

Again, I thank you for your time and consideration.

Sincerely,



Catherine Drogan



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Stella Little
Legal Instruments Examiner
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

November 8, 2004

Dear Stella:

It was nice talking to you on the phone today. Thank you for your clarification of what needed to be revised on my office action response. Per our conversation, I have revised the "Amendment to the Claims" section to eliminate all underlining of new claims and have added status identifiers before each claim. As you recommended, I have enclosed a copy of the entire office action response, including the revised Amendment to the Claims section.

I hope everything is now in order. Please call me with any questions at 917-576-2940.

Many thanks.

Sincerely,

Catherine Drogin